

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

FSS, INC., d/b/a Front Street Shipyard,)	
)	
Plaintiff,)	
)	
v.)	
)	
W-US-1, LLC,)	Docket no. 1:16-CV-300-GZS
)	
and)	
)	
W-CLASS YACHT COMPANY, LLC,)	
)	
)	
Defendants.)	

ORDER ON OBJECTIONS TO DEPOSITION DESIGNATIONS

Before the Court are the parties' various objections to deposition designations made in advance of trial. The Court now DENIES ECF No. 59, GRANTS IN PART and DENIES IN PART ECF No. 62, and defers ruling on ECF No. 57. All rulings are made WITHOUT PREJUDICE to any specific objection being reasserted at trial.

Any objections regarding the deposition of John B. Turner are DENIED in light of the Court's understanding that Mr. Turner will be testifying at trial and that no relevant provisions for the use of deposition testimony under Federal Rule of Civil Procedure 32 otherwise apply to enable a pretrial ruling. Any specific objection to any offered use of Mr. Turner's deposition consistent with the Federal Rules of Evidence may be reasserted at trial.

Defendants' objections to the designation of Craig Mitchell's deposition at 56:8-9, 11; 57:2-4, 6-10; 61:17-18; 63:4-7, 10-11; 66:4-22; 67:1-11; 69:1-23; 72:8-20; 72:21-73:4; 84:22-85:6; and 85:9-13, 15-22, are DENIED. Defendants' objections to the designation of Mr. Mitchell's deposition at 45:3 and 68:16-19 are GRANTED.

Defendants' objections to the designation of Donald Tofias's deposition at 14:19-21, 24-25, and 29:19-23 are DENIED.

Defendants' objections to the designation of Heath Moldveen's deposition at 35:11-14 and Exhibit 1; 36:6-25; 37:3-5; 37:11; 38:15-25; 39:1-18; 41:8-11, 14-17; 41:18-21; 42:1-2, 4; 49:7-11; and 55:6-20 are DENIED. If Plaintiff offers the testimony at page 37, the witness's entire answer must be included.

Defendants' objections to the deposition of Richard Franklin at 37:1-12 and 42:4-24 are DENIED.

Any objections regarding the testimony of Ben Davis are DENIED on the Court's understanding that Mr. Davis will be testifying at trial.

The form of Plaintiff's objections causes the Court to be unable to rule on them. Therefore, the Court is deferring any consideration of Plaintiff's objections to the extent they are raised in ECF No. 57 and related filings until such time as Plaintiff seeks to reassert any specific objection to deposition testimony at trial.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 7th day of August, 2017.